

February 7, 1975

SENATOR KREMER: Well Mr. Johnson was the one that submitted this amendment. It was adopted. He said there were times when road repair was hindered because of water accumulating along the side of the road and impairing construction.

SENATOR DICKINSON: Thank you Senator Kremer.

PRESIDENT: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, this \$25 . . . reducing the \$100 fine down to \$25 just practically makes this bill hardly worth passing. We're only talking about a few people and those of you who have been county commissioners know that it's only a few people who abuse this. A \$25 fine is so insignificant anymore that it doesn't mean much. I don't think we should allow this amendment to be put on the bill.

PRESIDENT: Senator Nichol, I think the Mills amendment restored the \$100, which passed. Senator Barnett.

SENATOR BARNETT: Mr. President, I've got to ask a couple questions of Senator Kremer. Then you may want me to ask them of Senator Johnson, but we'll find out. The way this bill is written, as I understand it, it looks like you're talking about public roads in the rural area. I question whether that's being done with the bill. I hope you can explain it to my satisfaction. Take the city of Lincoln, for instance. If we have a public building, such as a school, court house, or something like this, where there is no drainage from the property, no sewer connection, this water does run across the streets now and sometimes makes it unpassable during heavy rains. I think you're affecting this as well as the county roads. I don't think that in the cities where the sewer problems are there and are present that this bill is going to do any justice. In other words you could fine a school district, you could find the school board, or a school for letting the water run off their property across the street and blocking the road inside the city.

PRESIDENT: Is this natural water?

SENATOR BARNETT: Yes, it sure is.

SENATOR KREMER: No, it applies to water that is generated by some person. As you read chapter 39, if you take that whole section or the whole chapter, we're talking about anyone that's responsible for obstructing the travel on the road. It mentions the falling of trees and a number of things. Of course, this bill I think was generated by some comments made at the Annual Convention of County Officials. I think Senator Johnson could answer that for you. Primarily we are attempting to deal with the water that was being allowed to accumulate on the road and be placed there by sprinkler systems that were not under control, or by an irrigator. But I assume that it would be applied to anyone, other than irrigator. That would be my answer. Senator Johnson maybe could elaborate on it. It's his bill.

SENATOR BARNETT: I wish he would because the question has been brought up to us.